In the High Court of Uttaranchal, at Nainital.

A.O. No. 35/2002

U.P. State Road Transport Corporation

through Regional Manager, Dehradun …..Appellant.

Vs

Smt. Shanti Devi and 3 others ….. Respondents

Sri A.N. Sharma, learned counsel for the appellant.

Sri L.K.Tiwari, learned counsel for the respondents.

Date: 18-8-2004

Hon'ble P.C. Verma, J.
Hon'ble B.S.Verma, J.

This appeal has been preferred by the U.P. State Road Transport Corporation, against the award dated 27-11-2001 made by the Motor Accident Claim Tribunal, Dehradun in M.A.C.T. Case No. 25/2001.

2- Brief facts giving rise to this appeal are that Sabar Singh deceased was employed in U.P.S.R.T.C. as conductor. On 13.11.1996 he was performing his duties as conductor in bus no. U.M.S.S. 8811 and the bus was going towards Kotdwara. When the bus reached near Pokhari at 8 a.m. it fell in to ditch due to rash and negligent driving of the driver Trilok Singh Rawat, due to which Sabar Singh received serious injuries and died at the spot. At the time of the accident deceased Sabar Singh was 27 years of age and he was getting Rs. 5000/- per month as salary. The tribunal has awarded Rs. 9,27,000/- as compensation to the claimants along with 9% interest per annum from the date of the award. The tribunal has fixed the annual income of deceased at Rs. 40,000/- an benefit to multiplier of 18 was given, which comes to Rs. 7,20,000/-. The claims were also awarded Rs. 2,00,000/- as consortium.

3- The learned counsel for the parties agreed that the amount awarded towards consortium i.e. Rs. 2,00,000/- is on higher side and it should have been Rs. 10,000/- only. The learned counsel for the

parties contended that the appeal may be disposed of by reducing Rs. 2,00,000/- the amount of consortium to Rs. 10,000/-.

4- In terms of this consent given by the learned counsel for the parties, the appeal is disposed of finally. The amount of Rs. 1,90,000/- (one lac ninety thousands) shall be reduced from the total award.

(B.S. Verma, J.) **(P.C. Verma, J.)**

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